

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3830 of 1984

Date of decision:20-8-1996

For Approval and Signature

The Hon'ble Mr. Justice S. K. KESHOTE

1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the judgment?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India,1950 or any order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

NATUBHA BAPUBHA

Versus

IGP

Appearance:

MR AKSHAY H MEHTA for Petitioner
Mr. Nigam Shukla for Respondent No. 1& 2

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 20/08/96

ORAL JUDGEMENT

The petitioner filed draft amendment. But in view of the interim order passed by this Court I do not consider it necessary to allow the same. Prayer for amendment of the petition is rejected.

Heard the learned counsel for the parties.

The petitioner claims seniority over respondents No.3 and 4 on the ground that they have come in later point of time in the mounted police unit of the Police Department of the State of Gujarat. Further prayer is

made that the petitioner be given promotion accordingly on the post of Head Constable Grade II. It is not in dispute that the petitioner was initially appointed on 1-5-1968 as armed police constable. In the year 1969 he was transferred to Mounted Police Unit. It is not the case of the petitioner that his transfer in the year 1969 to mounted police unit was otherwise than his own request. The counsel for the petitioner admits that respondents No.3 and 4 were appointed in the police force earlier to the petitioner and they were senior to him. It is also not the case of the petitioner that respondents No.3 and 4 had been transferred to mounted police unit on their own request.

2. Mr. Nigam Shukla, learned counsel for the respondents states that circular was issued by the Department inviting options from the police constables working in other units for their transfer to mounted police unit. In pursuance of the said circular respondents No.3 and 4 had given their option and they were shifted to mounted police unit.

4. Taking into consideration the aforesaid facts I am satisfied that substantial justice has been done. I am of the opinion that in case respondents No.3 and 4 are granted seniority above the petitioner it cannot be said that any legal or fundamental right of the petitioner has been infringed. Originally the petitioner and respondents No.3 and 4 were in the general police unit. The fact that the petitioner was transferred to the mounted police unit earlier to respondents No.3 and 4 does not alter their original seniority. Sitting under Article 226 of the Constitution of India, where it is found that substantial justice has been done between the parties, no interference of this Court is called for.

5. In the result the special civil application fails and the same is dismissed. Rule discharged. Ad interim relief granted earlier stands vacated.

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